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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/054,597	04/03/98	POSEGGA	J 2345/39
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LM02/0706

EXAMINER

ESCALANTE, O

ART UNIT

PAPER NUMBER

2746

DATE MAILED:

07/06/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/054,597

Applicant(s)

POSEGGA, JOACHIM

Examiner

Ovidio Escalante

Art Unit

2746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 April 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 1998 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☒ received in Application No. (Series Code / Serial Number) 09/054,597.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The drawings are objected to because Figure 1 needs a proper legend. Correction is required.

2. The disclosure is objected to because of the following informalities.

On page 4 line 27 "The a speech recognition system speech" is incorrect grammar.

On page 7 line 9 reference are made to "components 3 and 4". Presumably "4" should be "5".

On page 8 claim 1 line 9, "the" apparently should be "then".

On page 9 claim 10 line 2, "the" apparently should be "then".

Appropriate correction is required.

3. The abstract of the disclosure is objected to because the reference numbers are made with no reference to a figure. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is vague and indefinite because a "device" is used to represent the entire network. Regarding claims 2-9, "the device" on line 1 lacks clear antecedent basis because it is

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not clear if the device refers to “A device” recited in claim 1, line 1 or “a control and operating device” recited in claim 1, line 6.

Claim 10 is vague and indefinite because it is unknown what call-up means. It could be interpreted as to call and activate or it could mean to actuate. More descriptive wording is needed. Claim 11 and 12 are rejected because they depend on claim 10.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 5, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Greco (Patent No. 5,568,540). Regarding claims 1 and 10, Figure 5 broadly shows a network server and a user-side terminal being capable of connection to the server and a control and operating device having a user interface. The control and operating device can be assigned to the terminal and the network can transmit user interface programs to the control and operating device.

Regarding claims 2, 5 and 7, the terminal according to Figure 5 is a telephone, which has a mic and the control and operating device is a computer, which can display text. See (column 1 lines 40 – 55).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greco in view of Davidson (Patent No. 5,023,868). Greco, as applied to claim 1 above, further teaches of a network server with a user-side terminal and a control and operating device. Greco does not specifically teach the use of an ISDN line. It is well known in the art to use an ISDN line. Davidson teaches of a network system that is connected by means of an ISDN line. (See abstract and column 6 lines 36 – 61). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention was made to modify Greco's system by using Davidson's so that an ISDN line can be used so that two different data types can be used at the same time.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greco in view of Engelke (Patent No. 5,724,405). Greco, as applied to claim 1 above, further teaches of a network server with a user terminal connected to the network and computer, which operates a service. Greco does not teach of using speech recognition. Engelke uses text-enhanced telephony, which displays text when a person is talking on the phone. See the (abstract, summary and in column 3 lines 28 – 42). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention was made to modify Greco's system by using Engelke system so that speech recognition can be used to display text onto the screen.

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11. Claims 6, 8, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greco in view of Krishnaswamy (Patent No. 5,999,525). Greco, as applied to claims 1 and 10 above, further teaches of a control and operating device having an interface and a terminal connecting to a network server. Greco does not teach of using any JAVA applications. The use of JAVA is widely used to carry out specific programs in web based programs. Krishnaswamy teaches of the use of "JAVA" see (Column 210 line 16 – 39). User interface is needed to run these programs. The use of Java applet's is also mentioned in (column 62 lines 50-53).

Therefore it would be obvious to one of ordinary skill in the art at the time of the invention was made to modify Greco's system by using Krishnaswamy's programs so that JAVA execution-time environments and applets can be used to effectively run web based programs.

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greco in view of Krishnaswamy and further in view of Engelke. Greco and Krishnaswamy, as applied to claim 11 above, fail to teach the use of speech recognition. Engelke teaches of using speech recognition by the use of text-enhanced telephony, which displays text when a person is talking on the phone. See the (abstract, summary and in column 3 lines 28 – 42). Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify Greco's system in view of Krishnaswamy above, and further modify by using the speech recognition of Engelke so that a user can see a text display of the speech input.

### ***Conclusion***

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 308-6306 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA, Sixth Floor (Receptionist).

13. Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Ovidio Escalante whose telephone number is (703) 308-6262.

The examiner can normally be reached on Monday to Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan  
Tsang, can be reached on (703) 305-4895. The fax phone number for this Group is (703) 308-  
6306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C.  
132 or which otherwise require a signature, may be used by the applicant and should be  
addressed to [fan.tsang@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO  
employees do not engage in Internet communications where there exists a possibility that  
sensitive information could be identified or exchanged unless the record includes a properly  
signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly

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set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Ovidio Escalante  
Examiner  
Group 2746  
June 28, 2000

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2700

A handwritten signature in black ink, appearing to read 'Fan Tsang', with a long horizontal flourish extending to the right.